

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                   )                   8:05CR116  
                                  )  
vs.                            )                   ORDER  
                                  )  
ALLEN COTTON,                )  
                                  )  
Defendant.                   ) )

This matter is before the court *sua sponte*.

On July 13, 2005, this matter was before the court for an evidentiary hearing on defendant Alan Cotton's motion for a Franks hearing, motion to suppress, and motion to sever. Cotton was present with his counsel, Federal Public Defender David R. Stickman and the United States was represented by Assistant U.S. Attorney Frederick D. Franklin. The hearing commenced at 8:58 a.m. and concluded at 12:38 p.m. The hearing was recessed and continued to 1:00 p.m. on July 26, 2005, because Mr. Franklin had not provided copies of various recordings to counsel for the defendant and because Mr. Franklin was unprepared to proceed with a witness to a traffic stop of the defendant on December 6, 2004.

This matter came on for hearing at 1:00 p.m. on July 26, 2005. Cotton was present with his counsel, Mr. Stickman. No one appeared for the United States until the court contacted the U.S. Attorney and ordered an attorney appear for the government. After a delay, Assistant U.S. Attorney Douglas R. Semisch appeared for the United States. At no fault of Mr. Semisch, the United States was unable to proceed on the balance of the motion to suppress. Mr. Franklin's failure to appear for the hearing and his lack of preparation for the hearing may constitute contempt of this court so as to obstruct the administration of justice.

**IT IS ORDERED:**

Assistant U.S. Attorney Frederick D. Franklin shall appear before the undersigned magistrate judge **at 2:00 p.m. on Friday, July 29, 2005**, and show cause why Mr. Franklin should not be held in contempt of court and sanctioned in accordance with 28 U.S.C. § 636(e).

DATED this 26th day of July, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge